

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Michigan Court Officer Gregory Saffady,

Plaintiff,

v.

Honorable Sean F. Cox

Chase Home Finance, Inc., *et al.*,

Case No. 10-11965

Defendants.

ORDER DENYING
CHASE'S REQUEST FOR SANCTIONS PURSUANT TO 28 U.S.C. § 1927
WITH PREJUDICE

In a prior Opinion & Order, this Court granted Defendant Chase Home Finance, LLC's Motion for Summary Judgment and its request for an award of sanctions against Plaintiff's Counsel, Michael Tindall ("Tindall") pursuant to 28 U.S.C. § 1927. The Court ordered supplemental briefing to enable the Court to determine the appropriate amount of sanctions to be awarded to Chase. That briefing has concluded.

Chase submitted a Declaration that appears to assert it incurred a total of \$32,742.50 in attorney fees, for work performed by Orlans Associates on this case.

Tindall then filed Objections. (Docket Entry No. 74). Among other things, Tindall asserts that this Court should not award Chase the attorney fees it claims to have incurred in this action because Defense Counsel, Orlans Associates, is typically paid a flat-fee for mortgage litigation cases and Chase did not actually pay or incur the fees claimed in the Declaration filed.

Thereafter, this Court ordered Chase to file a two-page supplemental brief by July 23, 2012, addressing only Tindall's above assertion regarding a fee agreement. Specifically, this

Court ordered Chase to advise the Court as to whether or not it has a fee agreement with Orlans Associates that covers this case, advise whether it has paid Orlans Associates the attorney fees set forth in the attachment to the Declaration, and provide proof of same to the Court.

On July 23, 2012, Chase filed a motion requesting an extension until July 25, 2012, to file its response to the Order. (Docket Entry No. 77).

On July 27, 2012, Chase filed a response to the Order, stating “Chase has fully considered the Court’s directive, but respectfully declines to submit this document and instead withdraws its fee petition.” (Docket Entry No. 79). Chase further stated that “[n]ot only is the engagement agreement between Chase and Orlans a series of extensive documents covering a number of wide-ranging (and confidential) matters, but Chase believes at this time that pursuing recovery of its fees from opposing counsel will result in further protracted litigation unrelated to the outcome of the underlying suit. Rather than incurring additional expenses attempting to collect any potential award from a potentially uncollectible source, Chase requests the Court permit it to withdraw, without prejudice, its request for fees.” (*Id.* at 2).

Having considered Chase’s response to this Court’s Order Requiring Chase To File Supplemental Brief, the Court hereby ORDERS that Chase’s request for sanctions pursuant to 28 U.S.C. § 1927 IS DENIED WITH PREJUDICE.

IT IS SO ORDERED.

S/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: July 30, 2012

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PROOF OF SERVICE

I hereby certify that a copy of the foregoing document was served upon counsel of record on July 30, 2012, by electronic and/or ordinary mail.

S/Jennifer Hernandez

Case Manager